

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOANNE CURLEY, et al.,

Plaintiffs,

v.

CATHERINE C. McVEY, et al.,

Defendants.

Civil Action No. 07-145 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on June 6, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 35], filed on February 27, 2009, recommended that Defendants' motion to dismiss [Doc. No. 24] be granted and that Plaintiffs' motion to certify a class action [Doc. No. 28] be dismissed as moot. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiffs by certified mail and on Defendants. Plaintiffs filed objections on March 1, 2009 [Doc. No. 37]. After de novo review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 9th day of March, 2009;

IT IS HEREBY ORDERED that the Defendants' motion to dismiss [Doc. No. 24] is GRANTED and Plaintiffs' motion to certify a class action [Doc. No. 28] is DISMISSED as moot.

The Report and Recommendation [Doc. No. 35] of Magistrate Judge Baxter, filed on February 27, 2009 is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge